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PROCEEDINGS

1851

OF THE

CONSTITUTIONAL MEETING



AT

FANEUIL HALL,

NOVEMBER 26TH, 1850.

BOSTON:

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CONSTITUTIONAL MEETING.

The Citizens of Boston and its vicinity, who reverence the Constitution of the United States ; who wish to discountenance a spirit of disobedience to the laws of the land, and refer all questions arising under those laws to the proper tribunals ; who would regard with disfavor all further popular agitation of subjects which endanger the peace and harmony of the Union, and who deem the preservation of the Union the paramount duty of every citizen, are requested to meet and express their sentiments on the present posture of public affairs, in Faneuil Hall, Nov. 26, 1850, at 4 o'clock, P.M.

The above call having been published in the newspapers, and posted up in the Merchants' Reading Room for some days, received the signatures of about five thousand citizens of Massachusetts, and the Meeting was convened agreeably to the request therein expressed.

At a few minutes before four o'clock, the Committee of Arrangements came in, and were received with loud cheers. At four o'clock precisely, THOMAS B. CURTIS, Esq., mounted the rostrum, and said—

Friends of the Union—friends of the Constitution : I am desired by the Committee of Arrangements to ask you to come to order, and to present for your sanction the following order of organization of this great meeting :

For President.

JOHN C. WARREN ;

a name dear in the annals of the Revolution, and connected with the history of Bunker Hill.

For Vice-Presidents.

DAVID HENSHAW, of Leicester,
 NATHAN APPLETON, of Boston,
 CALEB EDDY, of Boston,
 H. A. S. DEARBORN, of Roxbury,
 JOHN T. HEARD, of Boston,
 GEORGE G. SMITH, of Boston,
 ALFRED GREENOUGH, of Boston,
 SAMUEL LAWRENCE, of Boston.

For Secretaries.

CHARLES J. HENDEE, of Roxbury,
 A. W. THAXTER, JR., of Boston,
 GEORGE R. SAMPSON, of Boston,
 JOSEPH SMITH, of South Boston,
 IVERS J. AUSTIN, of Boston,
 THOS. J. WHITTEMORE, of Cambridge.

The meeting having been thus organized, the venerable DR. WARREN rose and spoke as follows.

THE PRESIDENT'S ADDRESS.

It is not without reluctance that I appear before this great assembly to take part in the political proceedings of my fellow-countrymen. Having from an early period of life devoted myself to professional duties, I have not entered actively into the politics of the day ; but I have never ceased to feel the deepest interest in the security and prosperity of our common country, and have ever considered, that, when these were in danger, it was my duty, as well as that of every good citizen, to devote mind and body to their protection and preservation. Such a crisis seems now to have arrived. The Union and, consequently, the existence of this nation, are menaced, and, unless there is a great and general effort in their support, we may soon behold the mighty fabric of our government trembling over our heads, and threatening by its fall to crush the prosperity which we have so long and happily enjoyed.

It has been my lot to have lived during a period when there

was no Constitution and no Union; when there was no commerce, no manufactures, little of agriculture, or of any of the arts calculated to make a powerful and happy people. It was a period when there was no sound currency, no confidence between man and man, no harmony in the action of the different states. It was a period when men's hands were turned against their neighbors, when the courts were beset with armed men, when law and justice were trampled under foot, when our best towns and villages were threatened with pillage, fire, and the sword; when the soil was polluted with the blood of its own citizens. I remember the unorganized little band of fathers of families, who, in that emergency, issued from this place, feebly provided with arms or with the other means calculated to put down a daring and desperate rebellion. What a dark moment was this! What dreadful forboding arose in the minds of those who had been expending their labor, their treasure, and their blood for the safety of an unhappy country!

But in the midst of this gloom a ray of light showed itself. A Constitution was proposed, and, after a cautious investigation, and careful adaptation to the varied interests of the country, was adopted as a bond of everlasting union. Under this Constitution a new order of things has arisen. Commerce and agriculture have revived. Manufactures have everywhere grown up. Education, literature, and science, have been diffused in all our cities and towns. The highest prosperity has pervaded the nation, and presented to the wondering eyes of Europe the spectacle of a federal republic, free without licentiousness, and rich without luxury.

Now, let me ask, is there any one desirous of returning to the disunion of 1786? Is there any one who is willing to trifle with, to spurn at, or to go behind this Constitution? If there is, I cannot go with him. I go for the whole CONSTITUTION and the whole UNION, as the best security for the liberties of the people. FOR THESE I STAND HERE; and if I am not ready to exert every faculty which I possess to uphold and maintain them, I shall be false to the blood which runs in my veins, false to the ancestors from whom I am descended, and false to every sentiment of my own heart. I stand, then, at all hazards, for the Constitution and the Union, one and indissoluble, now and forever.

DR. WARREN'S speech excited great applause.

THE RESOLUTIONS.

W. W. GREENOUGH, Esq., was now introduced, and said—
“Fellow citizens—I have been requested to present for the con-

sideration of this meeting the following resolutions, prepared by the Committee of Arrangements"—

Resolved, That the preservation of the Constitution and the Union is the paramount duty of all citizens;—that the blessings which have flowed from them in times past, which the whole country is now enjoying under them, and which we firmly believe posterity will derive from them hereafter, are incalculable; and that they vastly transcend in importance all other political objects and considerations whatever.

Resolved, That it would be folly to deny that there has been, and still is, danger to the existence of the Union, when there is prevalent so much of a spirit of disunion, constantly weakening its strength and alienating the minds of one part of the people of the United States from another; and that if this feeling be not checked and restrained, and do not give way to a spirit of conciliation and of patriotic devotion to the general good of the whole country, we cannot expect a long continuance of the political tie which has hitherto made us one people; but must rather look to see groups of rival neighbouring republics, whose existence will be a state of perpetual conflict and open war.

Resolved, That all the provisions of the Constitution of the United States—the supreme law of the land—are equally binding upon every citizen, and upon every State in the Union;—that ALL laws passed by Congress, in pursuance of the Constitution, are equally binding on all the citizens, and no man is at liberty to resist or disobey any one constitutional act of Congress, any more than another; and that we do not desire or intend to claim the benefit of any one of the powers or advantages of the Constitution—and to refuse, or seem to refuse, to perform any part of its duties, or to submit to any part of its obligations.

Resolved, That the adjustment of the measures which disturbed the action of Congress for nearly ten months of its last session ought to be carried out by the people of the United States in good faith, in all the substantial provisions; *because*, although we may differ with each other about the details of those measures, yet, in our judgment, a renewed popular agitation of any of the main questions then settled, would be fraught with new and extreme dangers to the peace and harmony of the country, which this adjustment has happily restored.

Resolved, That every species and form of resistance to the execution of a regularly enacted law, except by peaceable appeal to the regular action of the judicial tribunals upon the question of its constitutionality—an appeal which ought never to be opposed or impeded—is mischievous, and subversive of the first principles of social order, and tends to anarchy and bloodshed.

Resolved, That men, who, directly or indirectly, instigate or encourage those who are or may be the subjects of legal process, to offer violent resistance to the officers of the law, deserve the reprehension of an indignant community, and the severest punishment which its laws have provided for their offence; and that we have entire confidence that any combination or attempt to fix such a blot upon the fair fame of our State or City, will be promptly rebuked and punished by an independent and impartial judiciary, and by firm and enlightened juries.

Resolved, That we will at all times, in all places, and under all circumstances, so far as our acts or influence may extend, sustain the Federal Union, uphold its Constitution, and enforce the duty of obedience to the laws.

SPEECH OF B. R. CURTIS, ESQ.

B. R. CURTIS, Esq., moved the adoption of the resolutions, and spoke as follows—

It is a source of great satisfaction to me, that I can stand *here* and say—not Fellow-Whigs or Democrats, but *Fellow-Citizens*;—that here I can meet on common ground, in an important emergency, those who have a common interest with me, in the country. For I understand we have come here, not to consider par-

ticular measures of government, but to assert that we *have* a Government ; not to determine whether this or that law be wise or just, but to declare that there *is* law, and its duties and power ; not to consult whether this or that course of policy is beneficial to our country, but to say that we yet *have* a country, and intend to keep it safe. These are the objects for which I understand we have, as American citizens, here met, and for my own part, I cannot think we have come together too soon.

There is a very excited state of the public mind all over the country. It grows out of a subject of the last importance, so connected with the interests and sentiments and passions of our countrymen, as to make it difficult for the wisest and coolest on either side, to restrain themselves within the limits of prudence and moderation. Many good men, among us, with very tender consciences, but not very sound practical judgments, apparently not at all aware of the direction in which they are moving, or of the results to which they are tending, believing themselves to be as harmless as doves, and feeling, no doubt, quite sure they are as wise as serpents, have plunged into this contest. Others, who love excitement or notoriety, or influence and power, or who are smarting under disappointment, have found here a new field of promise. Others still, whose daily food is contention, and whose daily drink is the waters of strife, have rushed hither as into a quarrel, and brought with them temper and feelings which have been justly characterized as “ malignant philanthropy.” While influencing more or less all these and thousands of others, who have suffered themselves to be led into this excitement, and lending a certain dignity and power even to the bad passions which are enlisted, is that deep and ineradicable love of human liberty, which beats in every throb of every heart of the true sons of New-England.

And when we add to all this, that the people of other parts of our country, having opposite interests and passions, who, I believe, have never been remarkable for letting that excellent virtue called moderation, be known unto all men, have, upon this subject, used language and manifested feelings and done acts, which, I am sure, wise and good men everywhere must deeply regret, and that these things have produced their natural consequences here ; we may not be greatly surprised, however deeply we may be concerned, at the existing state of things.

In my humble judgment, it is a state of things calling for the sober and careful consideration of good citizens of all parties in the State, and for the public expression of a well-considered, temperate, but fixed opinion thereon.

In times of public danger, it was the usage of our fathers to

come together in this hall, to embody and express the public sentiment of this people concerning their important affairs.

Is not this an occasion in which we may well imitate their example?

There has been heard within these walls, addressed to a public meeting, and received with approbation by that meeting, the declaration that an article of the Constitution of the United States shall not be executed, *law or no law*. A gentleman offered a resolve, which passed at a public meeting *here*, that "Constitution or no Constitution, law or no law, we will not allow a fugitive slave to be taken from Massachusetts." Here and elsewhere have been publicly uttered exhortations to violent resistance to law, and assurances of aid and succor in maintaining such resistance. The Chairman of a public meeting declared *here* that "the law will be resisted, and if the fugitive resists, and if he slay the slave-hunter, or even the Marshal, and if he therefore be brought before a Jury of Massachusetts men, that Jury will not convict him." Here and elsewhere has been promulgated the idea, that it is fit and proper for strangers coming from abroad on to our soil, to put themselves upon their natural rights, viewed according to their own human light, and by that light, arm, and resist unto blood the execution of the law of the Commonwealth. I speak not of any law of Congress, but of the Constitution, the supreme law of the land. The Chairman of a public meeting here has ventured to assure such persons that Judges and Jurors will violate their oaths, to protect them from punishment, and as if there should be nothing wanting to exhibit the madness which has possessed men's minds, murder and perjury have been erected into virtues, and in this City preached from the sacred desk. I must not be suspected of exaggerating in the least degree. I read, therefore, the following passage from a sermon preached and published in this city—

Let me suppose a case which may happen here and before long. A woman flies from South Carolina to Massachusetts to escape from bondage. Mr. Greatheart aids her in her escape, harbors and conceals her, and is brought to trial for it. The punishment is a fine of One Thousand Dollars and Imprisonment for Six Months. I am drawn to serve as a Juror and pass upon this offence. I may refuse to serve and be punished for that, leaving men with no scruples to take my place, or I may take the Juror's oath to give a verdict according to the law and the testimony. The law is plain, let us suppose, and the testimony conclusive. Greatheart himself confesses that he did the deed alleged, saving one ready to perish. The Judge charges that if the Jurors are satisfied of that fact, then they must return that he is guilty. This is a nice matter. Here are two questions. The one put to me in my official capacity as Juror, is this—"Did Greatheart aid the woman?" The other, put to me in my natural character as man, is this—"Will you help to punish Greatheart with Fine and Imprisonment for helping a woman to obtain her unalienable rights?" If I have extinguished my manhood by my Juror's oath, then I shall do my official business and find Greatheart guilty, and I shall seem to be a true man; but if I value my man-

hood, I shall answer after my natural duty to love a man and not hate him, to do him justice, not injustice, to allow him the natural rights he has not alienated, and shall say, "not guilty." Then men will call me forsworn and a liar, but I think human nature will justify the verdict. * * * * *

The man who attacks me to reduce me to slavery, in that moment of attack alienates his right to life, and if I were the fugitive, and could escape in no other way, I would kill him with as little compunction as I would drive a musquito from my face.—*A Sermon of Conscience, by Rev. Theodore Parker.*

I should like to ask the Rev. Preacher, when he goes into Court and holds up his hand, and calls on his Maker to attest the sincerity of his vow to render a true verdict according to the law and the evidence, whether he does *that*, as a man, or in some other capacity? And I should also like to ask him, in what capacity he would expect to receive the punishment which would await him here and hereafter, if he were to do what he recommends to others?

Is it not time that they who love their country, and respect the laws, should come together and soberly ponder these things?

If a case exists which demands a breach of a fundamental law of the Government, and justifies armed resistance by individuals, it is a case for revolution, and it is time we knew and acted on it.

If there is not such a case, then this language, and the feelings that prompt it, and the conduct which accompanies it, disgrace our community, and endanger its safety and peace, and should receive the rebuke of every good citizen. There is no middle ground between these two alternatives. If there is a case for forcible resistance of law, for refusal to execute one article in the compact which constitutes the Government, for vilifying this compact by names which I should be unwilling to repeat, for stirring up the angry passions of men, and arraying one part of the country against another part, it can be nothing less than a case for revolution, and in a revolution it must end, if its progress be not checked.

Now I understand that those who act in concert on this subject, are divisible into two classes. One class openly avow that this is a case for revolution. They say the Constitution of the United States contains an article which is immoral, and must not, under any circumstances, be obeyed;—that as honest men they cannot undertake to abide by this compact, with a mental reservation, that they will break an important part of it. And therefore they reject the whole, and hold it to be the duty of this Commonwealth to withdraw itself instantly from this whole compact, and thus revolutionize the Government. This is the ground of action and the end of one class—the ground of action being, that there is a fundamental error in the Constitution of the Government, and the end, that the Government must be destroyed.

Whatever else may be said of this, it cannot be denied that it is open, definite, tangible, capable of being seen and understood in its true proportions. These persons do not profess one thing and mean another. They do not move blindly towards the gulf of civil discord and national destruction. They do not lead their followers towards it with boastful assurances that the ground is safe and clear. They see treason, and they honestly say so, and give their reason for it.

In my humble judgment, it is time that reason were examined. You may say it needs no examination; the bare statement of the proposition carries its own refutation with it. So I had supposed, until recent events changed my opinion. I do not think it important to examine their reason, because I entertain any hope of influencing any of this class of men whom I have mentioned. I believe their passions are too much excited. But there is another larger class who are now acting with them, many of whom, I verily believe, do not see whither they are going. These have not thrown off their allegiance to the Constitution. On the contrary, many of them hold, or have held, public office, and have sworn to support the Constitution. Many more, if we may judge from the recent elections, desire earnestly to take that oath. [Great laughter.] I am bound to think, and do think, they have taken this oath without any mental reservation. They include in it that article which promises that fugitives from service escaping into this State shall be given up. But, ask your Free Soil neighbours, "will you give your support to a law which shall fairly and fully execute this article—you are dissatisfied with the present law, but laying aside all questions about means and details—do you mean that Massachusetts shall keep this promise or break it?" And depend upon it, if you get any answer at all, it will be that it is a promise not fit to be kept.

I do not mean to say that all would so answer. Some have not sufficiently probed their own consciences to know what lies at the bottom, and some who have, may be willing to have this article executed. I hope there are many such. But I do believe that when it comes to the practical question, whether the promise shall be kept, many will be found in the condition in which Sir William Blackstone says he was, in respect to a belief in witchcraft. For, says he, in substance, inasmuch as both the Scriptures and the laws of England recognise the crime of witchcraft, I cannot take it upon myself to deny that there has been such a thing, though I cannot give credit to any particular modern instance of it.

So it is with some of these gentlemen. Inasmuch as the Constitution, which many of them have sworn to support, contains

an express promise that fugitives from service shall be given up, they cannot take it upon themselves to deny, in the general, that the promise is to be kept, but as to its being done in any particular way, or by any particular means, or in any modern instance, they cannot consent, and to prevent it they are ready to join their best and utmost exertions to those of the first class whom I have named; though these latter all the time declare that this distinction between the abstract and the concrete is too thin for their eyes to see.

Now the real difficulty with both these classes of persons is the same. The difference between them is, that one sees it and avows it; the other does not see it, or is too prudent to avow it.

Is it not fit then, that this supposed difficulty should be brought out into the light of day and steadily looked at? There ought to be no reluctance to do this. If the difficulty be real, it should be acknowledged, and due effect given to it. If it be unreal it should be dissipated. If the Constitution under which we live, is, as is expressed in the calm language so well befitting the discussion of a subject deeply involving the welfare of so many millions of people, if it be a "*bond of hell*," which it is the duty of every just man to break, we ought to know it and act on it.

I hope you will bear with me, therefore, fellow-citizens, while I attempt to discuss this question.

I am a Massachusetts man—born on her soil, bred in her schools, partaking, from my infancy to this hour, of the blessings which, under Providence, flow from, and are secured by her laws—and I hope I am not unmindful of the honor and the duty of the State. And I feel with you, a common interest to inquire, whether, when this Commonwealth entered into this compact, and agreed that it should be the supreme law, it made a covenant of iniquity.

Let me say at the outset, that this is not a question to be settled by calling hard names. It is a moral question—to be approached with calmness and solved by the reason and judgment of sober men. And I shall endeavour to state, as well as I can, that course of reasoning which has satisfied my own mind.

Let me begin by asking you to keep in view that we are considering the rights and duties of a civilized State. The question is, whether this Commonwealth, acted within the bounds of right, in 1788, when it entered into the compact in question.

At that time, Massachusetts was an independent sovereign State, possessing, of course, all the powers over its own citizens in reference to foreign States, which constitute and arise from sovereignty.

Among these powers two only are important here ; the power to make binding compacts with other States ; and the power to determine what persons from abroad shall be admitted to, or excluded from, the territorial limits of the state, and on what terms and conditions any such persons shall be allowed to come, or be required to depart. Both these powers are unquestionable. For centuries a succession of great minds have been employed upon this subject of public law. Beginning with Grotius above two hundred years ago, and ending with our countryman Wheaton, who died in this city two years ago, or with Lieber, if you please, who still lives, I believe there cannot be found anywhere a set of more profound, wise, humane, Christian moralists than these ;—men of great boldness of mind, restrained by no positive rules, seeking the moral truth of the great subjects they have discussed, by the best lights of divine and human wisdom.

Yet not one of them, so far as I know, has ever doubted that the powers which I have mentioned rightfully exist, and are necessary for the preservation of every civilized State.

There is another principle equally clear, and that is, that every State may and should exercise its powers for its own preservation, and the advancement of the welfare of its own citizens.

Indeed, outside of this exciting subject, all these principles are not only unquestioned, but they have been acted on by this Commonwealth, over and over again, to the acceptance of every body.

As early as 1793, this Commonwealth passed a law prohibiting, under a severe penalty, any shipmaster from landing in this State any foreign convict ; and this has ever since been, and is now, the law. What right had the State to pass this law ? The right to protect its public peace, and the persons and property and morals of its citizens ; and to exercise its own discretion as to what persons from abroad might prove injurious to either.

In 1830 it was found Ireland was pouring upon our shores a tide of pauperism and disease. The victims of centuries of oppression and wrong, came hither to seek relief and succor. Poor-houses and hospitals were emptied of their contents, which, at the public expense, were transported hither. Did any man doubt the rightful authority of the Legislature to put a stop to this ; to say that these persons, however ground down by oppression and distress at home, must not be thrown upon our hands ? No one, that I ever heard of, doubted it. On the contrary, very stringent laws were passed, which we have been struggling ever since to maintain against the exclusive power of Congress over

commerce. What right has the State to pass these laws? I answer again, the right of self-protection—the right to determine what persons from abroad shall be admitted to its territory—the right to use its own discretion and consult the safety and welfare of its citizens, in admitting or excluding them.

Let me borrow an illustration out of this very subject of slavery. We all know that in every Slave-holding State there are thousands of slaves who, from age, disease, or infirmity, are mere burthens. Now, we have heard some angry talk about retaliatory legislation. Suppose Carolina and Georgia should pass laws that if any such aged, diseased, or infirm slaves desired, with the consent of their masters, to come to Massachusetts, they should be transported hither at the public expense. I wonder if a Free-Soil Legislature would consider itself powerless to prevent this State from being overwhelmed by such an irruption?

I have been attempting to illustrate, what really requires no illustration. The principles are clear. Every sovereign State has, and must have, the right to judge what persons from abroad shall be admitted, and this and all other powers the State is bound to use for the safety and welfare of its own citizens. Taking along with us these principles, I ask you to go back with me to that Convention, which assembled in this city on the 9th day of January, 1788, to consider whether this State should adopt the proposed Constitution. We are in the presence of no ordinary assembly. In the chair is John Hancock, the man who in 1775 threw his name and his fortune into the scale of the Colony, at the beginning of its contest with the Crown, and who, whatever else may be said of him, was always true to the revolution. There is Theophilus Parsons, who has sounded all the depths of public and private law. There is Samuel Adams, not improperly called the Cato of America, his whole soul filled with the idea of human liberty, and popular rights, upon whose ears the sounds of the guns at Lexington fell with sweeter tones than the songs of birds in that morning of spring. There, too, were Gerry and Varnum, and Gore, Ames, and Bowdoin, and Sedgwick of Stockbridge, the soldier, the jurist, the ardent patriot, the true philanthopist, who by his professional exertions had just before struck the last blow at negro slavery in Massachusetts, and a crowd of able, just, and wise associates, fresh from the deep and intensely interesting discussions concerning political and civil liberty, which originated and accompanied and followed the war of the revolution. The question is, whether these men

were so ignorant, or so blind to their duty as legislators, as citizens, and as men, as to make, in behalf of this Commonwealth, a compact so grossly immoral, that their children may not fairly execute it, but must now overthrow and destroy the work of their hands. Let us see—

In the first place, it was known to them and is certain, that the Union could not be formed and the Constitution adopted, without this article.

In the next place, they believed, and we know, that it was impossible to over-estimate the importance of this Union, and this Constitution to the people whom they represented. The Confederation had proved powerless for good. The public debt of the country, due chiefly to the Officers and Soldiers of the Revolution, of whom this State furnished so large a part, could not be paid.

The commerce of the country was in the utmost disorder. Each State had its own navigation laws, and imposts, and was already using these powerful and exciting instruments in a manner hostile to every other State. An insurrection against the laws *in this State*, known as Shay's rebellion, which seriously threatened, not only the existence of our Government, but the general peace of the country, and was connected with risings both in New Hampshire and Connecticut, had just been quelled with great difficulty. Great Britain, from whose grasp we had escaped in open contest, was now waiting to see us prostrated by internal struggles, and from the great heart of Washington was extorted the exclamation, "What, gracious God, is man! that there should be such inconsistency and perfidiousness in his conduct. It is but the other day we were shedding our blood to obtain the Constitutions under which we live—Constitutions of our own choice and making—and now we are unsheathing the sword to overturn them. The thing is so unaccountable that I hardly know how to realize it, or to persuade myself that I am not under the illusion of a dream."

This was the state of public affairs under which, in January, 1788, this Convention assembled. They foresaw that this great instrument presented for their adoption would accomplish what it has accomplished—that it would form a more perfect union—that it would establish justice—that it would ensure domestic tranquility—that it would provide for the common defence—that it would promote the general welfare, and secure the blessings of liberty to the people of this Commonwealth, and their posterity.

On the one hand were the evils, on the other the benefits—and they were called on to choose between them for the people of this Commonwealth during countless generations.

Now, let us suppose that some one had been mad enough to rise in that Convention, and say, "I see these evils—they are great now, and threaten to become intolerable. I see these benefits; I believe this Constitution will perform for Massachusetts all that it promises. But I deny that Massachusetts, as a sovereign and civilized State, has the rightful power to make this compact. For here is a stipulation in it that persons held to service in States now foreign to us, escaping hither, shall be given up to be carried back again."

I cannot pretend, fellow-citizens, to give any idea of the treatment which such an objection would have received from the great and powerful minds of that Convention. I believe they would not have left a vestige of it on earth—no, nor the material to make a ghost of, to rise from regions below, and frighten some of their descendants. But it needs no uncommon ability and discernment to see sufficient answers to this objection.

In the first place, are not these persons foreigners as to us—and what right have they to come here at all, against the will of the legislative power of the State? And if their coming here, or remaining here, is not consistent with the safety of the State and the welfare of the citizens, in the name of all that is rational, may we not prohibit their coming, or send them back if they come.

If we have a right to say to those who have been ground down by the oppression of England, you must not land on our shores, because your presence here is injurious to us, have we not a right to avoid enormous evils and secure incalculable benefits, not otherwise attainable, by a compact, one article of which agrees, that our State shall not be an asylum for fugitives from service?

To deny this, is to deny the right of self-preservation to a State. It strikes at the heart of every civilized community. It makes its preservation impossible—and throws us back at once into a condition below the most degraded savages who have a semblance of government.

No sane man can reflect, and then make such a denial; so that there can be but one possible question, and that is simply a question whether the emergency was such as called for the exercise of the power. Upon this question also, unless we overturn principles necessary to the existence of civil society, it is impossible to doubt that we are precluded and justly bound by the action of the State in 1788. Has not a State the right to make compacts and treaties—and when they are made are they not to be kept?

May the State make a promise to-day, and to-morrow say, "On the whole, our interest did not require that promise, and it

is not to be kept?" If it be the test of a just man that though he promise to his harm, he keeps his promise good, is it not also applicable to a State? But in truth, there is no occasion to rely on any such obligation, for if it be once admitted that this Commonwealth in 1788 had the rightful power to assent to the Constitution, there cannot be two opinions among those who know the facts that the requisite emergency existed.

I am not about to repeat what I have already said respecting that emergency. You know what it was. You know that the great duty of justice could not otherwise be performed; that our peace at home, and our safety from foreign aggression could not otherwise be insured; and that only by this means could we obtain the blessings of liberty to the people of Massachusetts, and their posterity. I may add what now is a great and glorious motive, which our fathers anticipated, and our eyes have seen, in no other way could we become an example of, and a security for, the capacity of man, safely and peacefully and wisely, to govern himself, under free and popular Constitutions. But I wish to ask your attention particularly to one thing, which is more intimately connected with this subject.

I undertake to say, that men of forecast must then have foreseen, and subsequent events have demonstrated, and it is now known, that without an obligation to restore fugitives from service, Constitution or no Constitution, Union or no Union, we could not expect to live in peace with the Slaveholding States.

You may break up the Constitution and the Union to-morrow; you may do it by a civil war, or by what I could never understand the method or the principles of—what is called a peaceable secession; you may do it in any conceivable or inconceivable way; you may draw the geographical line between slaveholding and non-slaveholding *anywhere*; but when we shall have settled down, they will have their institutions, and we shall have ours. One is as much a fact as the other. One engages the interests and feelings and passions of men as much as the other. And how long can we live in peace, side by side, without some provision by compact, to meet this case? Not one year. Any reflecting man can satisfy himself of this, by turning his mind upon the facts; and history proves it. As early as 1643, when the country was a wilderness, and the movement of persons from one part to another unfrequent and exceedingly difficult, the Colonies of Massachusetts and Plymouth, Connecticut and New Haven, found it necessary, even in that primitive and imperfect union which they founded to stay themselves against destruction, to insert an article substantially like this one: "That if any servant run away from his master, into any of the con-

federate jurisdictions, that in such case, (upon certificate from one Magistrate in the jurisdiction out of which the servant fled, or upon other due proof,) the said servant shall be either delivered to his master, or any other that pursues, and brings such certificate and proof.”

But we need not pause upon this very early experience of our New England ancestors. The Government of the United States had not been in operation two years, when the necessity of some such provision, in some form, to preserve the peace of bordering independent States was clearly proved. You know that in 1789 Florida belonged to Spain, and stretched along the southern border of Georgia. Well, Gen. Washington had not been two years in office when the people of southern Georgia became so uneasy on account of the escape of their slaves across the border into Florida, as to make very urgent representations to the National Government, demanding redress. And thereupon orders were obtained from the Spanish Court to arrest the further reception of the fugitives, and to make restitution; and President Washington sent a special messenger into Florida to see to the execution of these orders.

It is unnecessary to enlarge upon this. If any one in this age expects to live in peace, side by side with the slaveholding States, without some effectual stipulation as to the restoration of fugitives, he must either be so wise as to foresee events in no way connected with human experience, or so foolish as to reject experience and probabilities as guides of action.

I know it may be said, “Let the contest come. We are ready for it. Let the blood of the slaughtered be upon the heads of those who are in the wrong.” When I look abroad over a hundred thousand happy homes in Massachusetts, and see a people, such as the blessed sun has rarely shone upon—so intelligent, educated, moral, religious, progressive, and free to do everything but wrong; when I call to mind its admirable Constitution of government, and that it comes as near to perfection as the lot of humanity permits; when I remember that these things are the free gifts of that awful Being, who holds peoples and nations in the hollow of his hand, I fear to say that I should not be in the wrong to put all this at risk, because our passionate will impels us to break a promise which our wise and good fathers made, not to allow a class of foreigners to come here, or to send them back if they come.

With the rights of those persons I firmly believe Massachusetts has nothing to do. It is enough for us that they have no right to be *here*. Our peace and safety they have no right to invade; whether they come as fugitives, and being here, act as rebels

against our law, or whether they come as armed invaders. Whatever natural rights they have, and I admit those natural rights to their fullest extent, *this* is not the *soil* on which to vindicate them. This is *our* soil—sacred to *our* peace—on which we intend to perform *our* promises, and work out for the benefit of ourselves and our posterity and the world, the destiny which our Creator has assigned to *us*. So far as He has supplied us with the means to succor the distressed, we, as Christian men, will do so, and bid them welcome, and thank God that we have the means to do it. But we will not act beyond those means; we will not violate a solemn compact to do it; we will not do it by holding up our hands and swearing to render a verdict according to the law and the evidence, and then knowingly violate that oath; we will not plunge into civil discord to do it; we will not shed blood to do it; we will not so throw away the rich gifts which He has conferred upon us, not for our benefit alone, but in trust for the countless generations of His children.

In my judgment, these are not means which He has confided to us to enable us to succor the needy and the oppressed of other States, and, so far as depends upon me, these means shall never be used.

SPEECH OF THE HON. B. F. HALLETT.

Mr. President and Fellow-Citizens—In the presence of this strong, and calm, and energetic meeting; after the resolutions that have been read, the clear and eloquent argument with which they have been enforced by the gentleman who has just left your greetings, and the unmistakable expression of your sentiments, we can now say at home and abroad that there is no law of these United States which cannot be executed in Massachusetts.

If there was doubt before there can be no doubt now, and if there be any wild enough hereafter to resort to a fancied higher law to put down law, they will find in your determined will a stronger law to sustain all the laws of the land.

I am aware, Sir, that I may be supposed to stand here somewhat in a representative character from the personal relations I hold to a party always national in its principles and measures wherever the Union is concerned; and I may be pardoned for saying, that to be associated with, and to deserve the approbation of its true men, is the dearest and highest ambition of my heart. It becomes me, therefore, if in my power, to say and do nothing that shall be unworthy of them or of this great occasion; and I feel the strongest assurance that however imperfectly I may discharge this trust, I can commit them only to themselves and to

their cause, when I pledge that party, as far as I may, to the Constitution, the Union, and the whole Country!

It is good, then, for us to be here to-day. There are occasions and assuredly this is one, when it is well to forget that we belong to parties or sections, and to remember only that we are citizens of the United States.

The purpose of this meeting and the spontaneous call of five thousand names which combines so much of the moral, physical, pecuniary, and intellectual strength of this community, all point to the Union, its preservation and the supremacy of its laws.

Though no man severs himself from his party by coming here to-day, nor pledges himself to any new one, yet every right-minded citizen must feel that there are occasions in which his country rises above all party, and when the true men of all parties are bound to unite in an expression of public sentiment that shall give renovated strength to the bonds of our Union, and renew the solemn vows and engagements we have made, and which our fathers entered into for us, that whenever and wherever a question arises between Union and disunion, law or no law, a section of the country or the whole country, we will be found on the side of the Union, the laws, and an united country.

Such occasions have presented themselves before to-day, to test the strength of the Union and the supremacy of an unpopular law over a popular sentiment. I mean unpopular in one section and popular in another section of these States, and in all these crises the laws and the Union have triumphed over all local or sectional interest arrayed against them.

Mr. President, just about eighteen years ago, one of the most numerous and weighty assemblages that ever gathered in this hall since the revolution, came together to pledge themselves to the support of the Constitution and of the laws for the collection of the tariff revenue, then threatened with nullification by a single southern State. Then Massachusetts insisted on the enforcement of a law which she regarded as essential to her property and industry, but which South Carolina detested.

Now, the threatened nullification comes from Massachusetts upon a law which she may dislike but which not only South Carolina but the whole South insist, is vital to the protection of their property and industry. And shall Massachusetts nullify that law is the question?

But it is said that there is no crisis and no call at present for a demonstration of the friends of the Union, and that there are no disunionists in New England! If, indeed, there be none, then are we all unanimous for the Union and for upholding its laws,

and it surely can do harm to proclaim it to the world and from Faneuil Hall that we are the friends of the Union, ready to abide by and sustain the laws of the Union, and anxious to remove all disturbing causes that may here or elsewhere tend to its dissolution. In a word, that we go not only for the integrity of the Union, but for the *peace* of the Union. But are we sure that the Union is safe while extremes North and South continue to agitate and indulge in mutual criminations, and especially while we see in our midst a strong attempt making to direct public opinion in the course of what is termed by its advocates a peaceful resistance to law, but which can be peaceful only just so long as all who do not oppose a certain law, permit these peaceful mobs and meetings to have their own way in prostrating that law, and substituting for all laws they happen to dislike an undefined "higher law," of which every man is to be his own expounder. and to act as judge, jury, and executioner!

Sentiments that have gone forth from this hall, or from any place or meeting in Massachusetts, adverse to the Union or the supremacy of law, should not be allowed, unrebuked, to form one jot of the public opinion of this Commonwealth, and should be met with an unequivocal expression of the friends of the Union who mean by the Union, the *whole* Union, and by the laws we are sworn to maintain, the *whole* laws. And we are here to-day for the purpose of calmly and resolutely giving that expression as citizens of the *thirty-one* United States, and as lovers of the Union without distinction of party.

This alone is a sufficient reason for the call that has brought together this large assemblage.

If it be said that the Whig party is the party of Union, and that alone can preserve it—that the Democratic party is the party of Union, and that only can uphold it, so much the better for the country. Then the Union will be safe whichever party may predominate in the nation, and surely if both the great parties have the same aim and end in view in preserving the Union, they will have more strength when both unite together in that sacred purpose, and they will present an impregnable barrier in every section and in every State, against the encroachments of those who may seek to undermine the Constitution or divide the Union into sectional, conflicting, geographical parties. But on the other hand, if a democratic sectional party, or a whig sectional party, or an exclusively sectional Southern or sectional Northern party should predominate, or even hold the balance of power in the Union, who would guarantee its endurance for a single session of Congress.

We cannot shut our eyes to facts unless disposed to be wilfully

blind. During the longest session in which the Congress of the United States have been together in our history, this very question of Union and disunion has engaged their whole attention. They have at last brought about a series of compromise acts as peace measures, which, like the compromises that established the Constitution originally, are believed to be the only means that can perpetuate the Union; and now the question for us to-day is, whether we will in good faith abide by and carry out these peace measures, or whether we shall rush into renewed agitation and sink the whole useful legislation of the country, in a sectional conflict which all the signs of the times indicate, cannot continue much longer, and we remain, as we now are, one people.

The single fact that these peace measures of compromise are denounced by the extremes of both sections, is the highest evidence that they are such as the patriotism and the good sense of the calm and considerate should approve. If we go to either extreme and that prevails, it must inevitably shatter the Union. If we stand on the middle ground, we stand on a platform broad enough to cover the whole country, and strong enough to uphold and sustain it, without a single fragment being broken off.

And now what higher or holier purpose can call together the citizens of the United States, in all its cities, towns, and borders, than to renew our pledges to stand by the Union, and the laws, at this time and in these days, when we find in one section of the Union its value not only calculated, but pronounced worthless, and in another section resort is had to a new form of moral treason, which assumes, by the mysterious power of an unknown "*higher law*" to trample down all law?

If ever the legacy of Washington to his countrymen had meaning and purpose, it now comes home to us in his solemn warning to "*indignantly frown upon the first dawning of every attempt to alienate one portion of our country from the rest, or to enfeeble the sacred ties which bind together the various parts.*"

Who that loves his country can conceal from his judgment the conviction that there has come upon us, not only the *dawning* of this attempt, but its progress almost to the meridian, and if it is suffered to reach the point of its political culmination before its decline, that decline can only happen with the decline and fall of the American republic.

It was to give strength to these States and to make us one people, that Washington left his retirement in 1787, when he was chosen a delegate from Virginia to the Convention to form the Constitution, and in his own language on that occasion, he

“reluctantly consented to serve, in order to assist in averting the consequences of that contemptible figure which the American communities were about to make in the annals of mankind, with their separate, independent, jealous State sovereignties.”

The question comes home to us to-day, whether by acquiescence in measures that the best wisdom of Congress has devised to quiet and settle the Union, we shall lend our aid to avert the like catastrophe, which must happen now, if the Constitution of our fathers, framed by the best men the country ever saw, is lost to us, to freedom, and to the world, by the sectional divisions that have already strained it to its utmost tension.

Mr. President, it is a singular fact that we are here to-day deliberating upon an issue which threatens the Union and endangers the supremacy of its laws, that had no place in the deliberations or the apprehensions of the wise men who formed and adopted the Constitution.

The fourth article of the Constitution, which provides for the delivery of fugitives from labor, was scarcely discussed in the Convention, and was adopted by the unanimous vote of every State, and every delegate from every State without a dissenting vote from the North. In the Massachusetts Convention of 1788, upon whose action then depended the ratification of the Constitution by the requisite number of States, not a word was uttered by the most jealous opponents of the Constitution against that provision. The whole and only discussion touching slavery turned upon the provision permitting the importation of slaves for twenty years, (a measure much more repugnant than that we are called on to permit to be enforced,) and the enumeration of slaves in the representation.

And yet, when all was considered, it met the approbation of the wisest men that ever lived among us. Judge Dana said—“From a survey of every part of the Constitution, I think it the best that the wisdom of men could devise;” and the Rev. Mr. Backus, an apostle of that day and generation, declared that “such a door is now opened for the establishment of righteous government, and for securing equal liberty, as was never before offered to any people upon earth.”

If the enlightened and righteous conscience of such a man, revered among a large denomination of Christians (the Baptists) as a Father in the faith, saw no cause of offence in the compact then formed between the North and the South, can we expect to find a purer guide in those consciences of our time which affect to see nothing but immorality and crime in the compromises our fathers entered into in order to form a more perfect Union, and secure the blessing of liberty to us and our posterity?

It is instructive too, to recall the fact that the only common principle, the only Union platform upon which our fathers could meet and make that Constitution, was the identical ground upon which the friends of the Union, of all parties, now agree to stand, viz: *non-intervention* with the domestic concerns of each State, and a full recognition of the only safe republican doctrine of free government, viz: the right of every State to establish its own form of government, provided it be republican, and to regulate its own modes of labor, and all its internal concerns.

As a single instance permit me to quote the language of *Major General Heath* in the Massachusetts Convention, one who had fought bravely for the liberties he knew so well how to preserve. Upon this very question of slavery he said—"If we ratify the Constitution shall we do anything by our acts to keep the blacks in slavery, or shall we become the partakers of other men's sins? I think neither of them. Each State is sovereign and independent to a certain degree, and they have a right and will regulate their own internal affairs as to themselves appear proper; and shall we refuse to eat or drink, or be united with those who do not think or act just as we do? Surely not."

Now, if one extreme at the South claim *more* than is in the Constitution for their peculiar institution of slavery, and if another extreme at the North deny and resist what is plainly *in* the Constitution in order to sustain their peculiar institution of Abolitionism, where shall the friends of Union take their stand but on the middle ground, the broad platform of the rights of the States in their domestic relations and good faith in carrying out the pledges of the Constitution and the laws made to enforce them?

Allow me to remark on one point, for it is only one that I intend to touch upon in the provisions of the Fugitive Law, which some of our fellow citizens have avowed in this hall, is to be treated like the Stamp Act and never to be enforced in Massachusetts.

If that means anything, it means just what our fathers meant when they resisted the Stamp act and threw the tea overboard—*Revolution*. It is revolution or it is treason. It is rightful revolution if in the exercise of the reserved sovereignty of the people, it puts down one government, and by organic laws frames another. That is the only American theory of the higher law that is not rebellion, but a sacred right of the people. But if it only resists law, and obstructs its officers, while it seeks no new organic form of government through the collected will of the people, it is treason, rebellion, mobism, and anarchy, and he who risks it must risk hanging for it.

It is the higher law of Daniel Shays in the rebellion of 1786, who, with thirteen writs on his back for debt, assembled an armed mob to stop the courts, and sent his message to the judges of the supreme court then about to hold their session in Springfield, ordering them not to open their court, nor to indite the rebels. The judges of that day answered, as I am sure the judges of this day, and the commissioners too, if need be, (I can speak for one of them) would answer a like message from the modern higher law party, "*that they would faithfully execute the laws of the country agreeably to their oaths.*"

But the point to which I would refer in the Fugitive Bill, and the one most insisted on as repugnant to New England feeling is, that it calls upon the citizens to aid the slave taker in capturing the fugitive. I do not so understand it. No man is called upon or can be called upon unless there is resistance to the execution of a process law. If no citizen resist the laws, no other citizen except the officer with his warrant, will be called upon to lift a finger. Now, suppose the officer is resisted, the prisoner rescued, the court invaded, the witnesses assaulted, the magistrate driven from his seat, and you are called on to sustain the supremacy of the law or the despotism of the mob! Which side will you take? law or anarchy, the magistracy or the mobocracy? That is the practical question, and that you must answer.

Repugnance to the execution of a law, legal defence by all legal and constitutional means in trials under the law, is one thing. That you may have and do and be good citizens. But resistance to the law and its officers, is quite another thing. That you cannot indulge in and be safe to the rest of the community if allowed to go at large. Again, if just persons enough to resist law are encouraged and protected in that resistance even by a few, and the rest of the community fold their hands and let the laws be overthrown by force, that is anarchy; and by the same rule you may be turned out of your own houses and lands by houseless and landless men appealing to *their* higher law of inheritance from Adam! Remember the old proverb, for all lawless means to put down law are like chickens that always come home to those who rear them, to roost.

Mr. President, I have incidentally alluded to the Shay's rebellion, so memorable in our history as a test of Constitutional law, and whether it should be construed by the mob or the legal tribunals. Massachusetts went through that crisis in 1786, just six years after the adoption of her State Constitution. We all know the result and how nobly the Constitution of the State was sustained then, as the Constitution of the United States will be now, here in our midst.

There is an incident in that history most honorable to Boston and its vicinity, and a glorious precedent for what we are doing here this day, with an energy and unanimity worthy of the descendants of the men of those troublous times. At that crisis in the affairs of the new Commonwealth, when at least a third part of the citizens either aided or would not prevent the resistance made to the sittings of the courts, the inhabitants of Boston, loyal to the Constitution, assembled together in aid of the laws. They addressed the Governor, and in the most unequivocal manner declared their determination to co-operate in support of Constitutional Government. They also sent a circular to the inhabitants of every town in the State, and held up the sacred pledges of life and fortune made to support a Constitution which was as estimable as the blood that had purchased it.

Most of the replies from the towns conveyed a union of sentiment and a tender of aid to support the Constitution, and from that hour the rebellion fell off.

Two years after this, Massachusetts adopted the Constitution of the United States, and well did that lesson of stern experience teach her its inestimable value.

And now, sixty-two years from that eventful day, we, the citizens of Boston and vicinity are called upon to uphold and perpetuate what our fathers so dearly purchased and so wisely framed.

It well becomes us then, to appeal to the people of this Commonwealth so to act and so to guide public opinion as to give to our sister States the renewed pledge that Massachusetts is in the Union and will abide in the Union—that her patriotism is not selfish nor her philanthropy fanatical, but that she will put down nullification of unpopular laws in her own borders with as firm and faithful purpose as rallied her citizens in this hall in December, 1832, to sustain the proclamation of Andrew Jackson in putting down nullification of a law even more unpopular in South Carolina.

And from Faneuil Hall shall go forth this day a voice that will carry to all our fellow citizens of this State and of these United States, an earnest appeal to them by all they value in this blessed Union—by all they hope to preserve as a law-abiding people; by all they dread of anarchy and lawless depredation, and by all they would leave of good to their children, to come up in the strength of the mighty to the support of the Constitution and the supremacy of the laws.

SPEECH OF S. D. BRADFORD, ESQ.

Mr. Chairman and Fellow Citizens—I hold in my hand a note from the Committee of Arrangements of this Meeting, which I received yesterday, inviting me “to meet them punctually at 4 o’clock at Faneuil Hall, and to make a short address.” I have interpreted this to mean that if it would not exceed fifteen minutes you would listen to me ; and I will endeavour not to exceed the time mentioned.

In rising to address you upon this important occasion, I feel oppressed by a sense of the responsibility I have assumed, and must throw myself entirely upon your candor and kindness. After the profound, spirited and eloquent addresses to which you listened from the learned and talented gentlemen who have preceded me, it would be presumptuous on my part to enter upon a Constitutional argument, or to attempt more than a glance at the interesting subjects which have been discussed. I am proud to say that I belong to the great Democratic party, but I have not come here to-day as a Democrat or a Whig, or as belonging to any party or organization whatever, but as an American citizen, to take part and act in concert with good and true men of any and every party to sustain the Union, the Constitution and the Laws. I rejoice to see before me such a large number of my fellow-citizens, who, having left their usual engagements and pursuits, have come forward and filled this vast hall to overflowing. It cannot be any ordinary occasion which has produced such a gathering as this. It reminds one of days gone by, when our country being engaged in a disastrous war with Great Britain, and the ships of the enemy almost within our harbor, the people were accustomed to come up here to take counsel together for the safety and welfare of the Republic. The country, thank God, is not attacked by any foreign foe. We are at peace with all the world so far as our foreign relations are concerned ; but unhappily we have an enemy within, and in our very midst, that has destroyed the peace and happiness of more nations than foreign war, pestilence, and famine ; and that is the spirit of disunion and insubordination to the laws.

The country is prosperous beyond all former precedent, labor is well paid, the people are employed, our commerce is upon every sea, we have passed the Rocky mountains and acquired a vast empire upon the shores of the Pacific. All Europe is looking upon our progress and growth, our institutions and laws with admiration and envy ; and yet, strange to say, there are persons amongst us, and I regret to add, American citizens too, who seem to place no value upon all these blessings, and who are doing all

they can to destroy our glorious Union, to which we are indebted for all these privileges.

They would enter the temple of Liberty raised by the hands of our forefathers after so many years of labor and sacrifice, throw down the pillars which support it, and scatter the broken fragments to the winds.

And why, permit me to ask, must the Constitution, the charter of our liberties, the work of Washington, Franklin, Adams, Jefferson, and of the other illustrious statesmen and sages who formed it, be destroyed? The answer is, because according to them it contains an article opposed to what is called in the cant of the day "the higher law," which forbids, they allege, the restoration to his master and owner of a fugitive slave. We have been living under this article of the Constitution and under the law of 1793 made to enforce it and signed by Washington, fifty-seven years, and until very recently have heard of no complaint against it; but now all at once the cry is raised by some persons that it is unconstitutional and must be resisted even unto blood, and to the dissolution of the Union. Where, let me inquire, have these fanatics with such tender consciences been living during all this long period? Have they, like Rip Van Winkle been asleep in the Kaatskill mountains, not twenty, but fifty-seven years, and they have just awoke on the eve of the recent elections? I have remarked on former occasions that the qualms of their consciences have been periodical, as Kean the actor once said, the taste for Shakspeare was in Boston; and they were always most distressing a short time previous to the second Monday in November.

But have they read the Fugitive Slave Bill of the last session, and compared it with that of 1793? If they will do so, they will find it rather a recognition of an old law with the addition of certain needful amendments than a new one. It was not passed hastily, as some have asserted, but was discussed in the senate during four long summer days from the 19th to the 23d August, section by section, and received the sanction of some of the greatest and best men in the nation. The yeas and nays were many times called for, and the latter seldom exceeded eleven, whilst the former were double or treble that number. The opposition to it in the senate, so far as one can judge by a report of the speeches, (I do not say it invidiously) was feeble and inefficient. The impression left upon the mind of the reader is that the gentlemen, who spoke against it, were acting under a *restraint*, perhaps imposed by the Legislatures of the States to which they belonged.

"But no individual in the senate," to use the words of Mr.

Clay, "was hardy enough to maintain that a Fugitive Slave ought not to be returned to his owner and lawful master."

Should any one be of the opinion that parts of the Fugitive Bill of 1850 are more stringent than that of 1793, he should remember its enactment would not have been called for, had the old law been enforced in accordance with its true spirit, and as Washington, who signed it, intended it should be. Do you, can you believe for a moment that it would have been sustained by Mr. Clay, General Cass, Mr. Foote, and by the other distinguished statesmen in the senate who advocated it, had they believed it unconstitutional or unjust? Who does not know that the law of 1793 has been pronounced constitutional by Chief Justice Taney, by Mr. Justice Story, and by many other profound jurists who might be named; and as respects the Bill of 1850, Mr. Webster, who long since was proclaimed the "Defender of the Constitution," and has now acquired, and justly too, the honorable title of "Champion of the Union," has not only declared it to be constitutional, but has also said "that no one whose opinion was worth regarding, has pronounced it otherwise." The same opinion has been given by the distinguished counsellor Mr. Curtis, to whom we have all had the pleasure of listening to-day, and who, every citizen of Boston knows, holds the very first place in his profession here. He must be a bold man, who would venture to oppose his individual opinion to such authority as this. But then the objection is made that if the Fugitive Slave Bill be constitutional, it is after all opposed to what is called the "higher law." This phrase "higher law," perverted as it has been by fanatics, is fast becoming a byword. Its real meaning is nullification, repudiation, or abolitionism; and we all know what these words mean. But may not a law be too high?

I remember to have seen in a conspicuous place in Florence, in Italy, an elevated column surmounted by a figure of justice with the scales; and I also remember that a citizen of Florence passing by it, and seeing a foreigner gazing at it, is said to have remarked to him that "*Justice was so high in Florence that no one could reach it.*" The same charge, I strongly suspect, may be made against "*the higher law*" of the Nullifiers and Abolitionists. It is *above* justice, for it refuses to return the property of our brethren of the South when found within our precincts. Well! what then, fellow-citizens, is to be done in this crisis of our public affairs? Does any one believe that the South will continue to remain in the Union unless the Fugitive Bill be carried into effect according to its true spirit? Can we expect it; or should we respect our brethren in the South, were they to remain indifferent spectators of the violation of the law? It must

then, be carried into effect ; “ peaceably if we can, forcibly if we must ;” or the Union will be dissolved, and the nation will be plunged into all the horrors of anarchy, and probably of civil war. Can it be that we have those amongst us, and American citizens too, who would raise their paracidal hands against the blessed Union, the work of our forefathers, and the foundation of that noble structure erected upon it the United States of America ? It is difficult to realize it, or at any rate that they can be found in Massachusetts, the State which struck the first blow for liberty and independence in 1775. But if it be otherwise, and the spirit of disunion and fanaticism cannot be extinguished in any other way, we all remember what was done in 1833 by that hero, patriot, and statesman, President Jackson, during a crisis in some respects resembling the present, and how nobly the country supported him, both Whigs and Democrats. The proclamation he issued will never be forgotten by Americans, and will ever hold a high, if not the highest, place in the archives of the nation. But he was prepared, and *determined too*, to execute the laws by the other means, had that appeal proved insufficient. Let the memorable words which he used then, “ *the Union, it must be pre-served,*” be our watchword now ; and let us frown indignantly upon every one (whatever may be the party name under which he may range himself,) who would lay his sacriligious hands upon the ark of our safety, the Union of the States. Let us no longer inquire so much of candidates for office, are you Whigs or Democrats ; are you for protection or free trade ; for a large expenditure of the public money for internal improvements, or a small one ; but rather let us put these questions to them, are you for obeying the laws of your country, or for breaking them ; are you in favor of jeopardizing the Union by a further agitation of the slavery question ; or will you do all you can to give peace and quiet to the distracted country, of which it stands so much in need. Let us support them or otherwise, according to the answer they may give.

In this way only may we still preserve our glorious and once happy Union, and hand it down with all its blessings to succeeding generations.

SPEECH OF THE HON. RUFUS CHOATE.

I feel it, fellow citizens, to be quite needless, for any purpose of affecting your votes now, or your judgment and acts for the future, that I should add a word to the resolutions before you, and to the very able addresses by which they have been explained and enforced. All that I would have said has been better said. In all that I would have suggested, this great assembly, so

true and ample a representation of the sobriety, and principle, and business, and patriotism of this city and its vicinity,—if I may judge from the manner in which you have responded to the sentiments of preceding speakers,—has far outrun me. In all that I had felt and reflected on the supreme importance of this deliberation, on the reality and urgency of the peril, on the indispensable necessity which exists, that an effort be made, and made at once, combining the best counsels, and the wisest and most decisive action of the community—an effort to turn away men's thoughts from those things which concern this part or that part, to those which concern the whole of our America—to turn away men's solicitude about the small politics that shall give a state administration this year to one set, and the next year to another set, and fix it on the grander politics by which a nation is to be held together—to turn away men's hearts from loving one brother of the national household, and hating and reviling another, to that larger, juster and wiser affection which folds the whole household to its bosom—to turn away men's conscience and sense of moral obligation from the morbid and mad pursuit of a single duty, and indulgence of a single sentiment, to the practical ethics in which all duties are recognised, by which all duties are reconciled, and adjusted, and subordinated, according to their rank, by which the sacredness of compacts is holden to be as real as the virtue of compassion, and the supremacy of the law declared as absolute as the luxury of a tear is felt to be sweet—to turn away men's eyes from the glare of the lights of a philanthropy—they call it philanthropy—some of whose ends be may specious, but whose means are bad faith, abusive speech, ferocity of temper, and resistance to law; and whose fruit, if it ripens to fruit, will be woes unnumbered to bond and free,—to turn all eyes from the glitter of such light to the steady and unalterable glory of that wisdom, that justice, and that best philanthropy under which the states of America have been enabled and may still be enabled to live together in peace, and grow together into the nature of one people,—in all that I had felt and reflected on these things, you have outrun my warmest feelings and my best thoughts. What remains, then, but that I congratulate you on at least this auspicious indication, and take my leave? One or two suggestions, however, you will pardon to the peculiarity of the times.

I concur then, *first*, fellow-citizens, with one of the resolutions, in expressing my sincerest conviction that the Union is in extreme peril this day. Some good and wise men, I know, do not see this; and some not quite so good or wise, deny that they see it. I know very well that to sound a false alarm is a shallow and

contemptible thing. But, I know, also, that too much precaution is safer than too little, and I believe that less than the utmost is too little now. Better, it is said, to be ridiculed for too much care, than to be ruined by too confident a security. I have then a profound conviction, that the Union is yet in danger. It is true that it has passed through one peril within the last few months—such a peril, that the future historian of America will pause with astonishment and terror when he comes to record it. The sobriety of the historic style will rise to eloquence—to pious ejaculation—to thanksgivings to Almighty God—as he sketches that scene and the virtues that triumphed in it. “Honor and praise,” will he exclaim “to the eminent men of all parties”—to Clay, to Cass, to Foote, to Dickinson, to Webster—who rose that day to the measure of a true greatness—who remembered that they had a country to preserve as well as a local constituency to gratify—who laid all the wealth, and all the hopes of illustrious lives on the altar of a hazardous patriotism—who reckoned all the sweets of a present popularity for nothing in comparison of that more exceeding weight of glory which follows him who seeks to compose an agitated and save a sinking land.”

That night is passed, and that peril; and yet it is still night, and there is peril still. And what do I mean by this? I believe, and rejoice to believe, that the general judgment of the people is yet sound on this transcendent subject. But I will tell you where I think the danger lies. It is, that while the people sleep, politicians and philanthopists of the legislative hall—the stump, and the press—will talk and write us out of our Union. Yes—while you sleep, while the merchant is loading his ships, and the farmer is gathering his harvests, and the music of the hammer and shuttle wake around, and we are all steeped in the enjoyment of that vast and various good which a common government places within our reach—there are influences that never sleep, and which are creating and diffusing a PUBLIC OPINION, in whose hot and poisoned breath before we yet perceive our evil plight, this Union may melt as frost work in the sun. Do we sufficiently appreciate how omnipotent is opinion in the matter of all government? Do we consider especially in how true a sense it is the creator, must be the upholder, and may be the destroyer of our United Government? Do we often enough advert to the distinction, that while our State Governments *must* exist almost of necessity and with no effort from within or without, the UNION of the States is a totally different creation—more delicate, more artificial, more recent, far more truly a mere production of the reason and the will—standing in far more need of an ever-surrounding care, to preserve and repair it, and urge it along its highway? Do we

reflect that while the people of Massachusetts, for example, are in all senses one—not *E Pluribus Unum*—but one single and uncompounded substance, so to speak—and while every influence that can possibly help to hold a social existence together—identity of interest—closeness of kindred—contiguity of place—old habit—the ten thousand opportunities of daily intercourse—every thing—is operating to hold such a State together, so that it must exist whether we will or not, and cannot, but by annihilating, die—the people of America compose a totally different community—a community miscellaneous and widely scattered—that they are many States, not one State, or if one, made up of many which still co-exist—that numerous influences of vast energy, influences of situation, of political creeds, of employments, of supposed or real diversities of material interest, tend evermore to draw them asunder—and that is not, as in a single State, that instinct, custom, a long antiquity, closeness of kindred, immediate contiguity, the personal intercourse of daily life and the like, come in to make and consolidate the grand incorporation whether we will or not—but that is to be accomplished by carefully cultivated and acquired habits and states of feeling, by an enlightened discernment of great interests, embracing a continent and a future age—by a voluntary determination to love, honor, and cherish, by mutual tolerance, by mutual indulgence of one another's peculiarities, by the most politic and careful withdrawal of our attention from the offensive particulars in which we differ, and by the most assiduous developement and appreciation, and contemplation of those things wherein we are alike—do we reflect as we ought, that it is only thus—by varieties of expedients, by a prolonged and voluntary educational process, that the fine and strong spirit of NATIONALITY may be made to penetrate and animate the scarcely congruous mass—and the full tide of American feeling to fill the mighty heart?

I have sometimes thought that the States in our system may be compared to the primordial particles of matter, indivisible, indestructible, impenetrable, whose natural condition is to repel each other, or, at least, to exist, in their own independent identity—while the Union is an artificial aggregation of such particles—a sort of *forced state*, as some have said of life—a complex structure made with hands, which gravity, attrition, time, rain, dew, frost not less than tempest and earthquake, co-operate to waste away, and which the anger of a fool—or the laughter of a fool—may bring down in an hour—a system of bodies advancing slowly through a *resisting medium*, operating at all times to retard, and at any moment liable to arrest its motion—a beautiful, yet fragile creation, which, a breath can unmake, as a breath has made it.

And now, charged with the trust of holding together such a nation as this, what have we seen? What do we see to-day? Exactly this. It has been, for many months, years, I may say, but, assuredly for a long season, the peculiar infelicity, say, rather terrible misfortune of this country, that the attention of the people has been fixed without the respite of a moment, exclusively on one of those subjects—the only one—on which we disagree precisely according to geographical lines. And not so only, but this subject has been one—unlike tariff, or internal improvements, or the disbursement of the public money, on which the dispute cannot be maintained, for an hour, without heat of blood, mutual loss of respect, alienation of regard—menacing to end in hate, strong and cruel as the grave.

I call this only a terrible misfortune. I blame here and now, no man, and no policy for it. Circumstances have forced it upon us all; and down to the hour that the series of compromise measures was completed and presented to the country, or certainly to Congress, I will not here and now say, that it was the fault of one man, or one region of country, or one party more than another.

“But the pity of it, Iago—the pity of it.”

How appalling have been its effects; and how deep and damning will be his guilt, who rejects the opportunity of reconciliation, and continues this accursed agitation, without necessity for another hour!

Why, is there any man, so bold or blind, as to say he believes that the scenes through which we have been passing, for a year, have left the American heart where they found it? Does any man believe that those affectionate and respectful regards, that attachment and that trust, those “cords of love and bands of a man”—which knit this people together as one, in an earlier and better time, are as strong to-day as they were a year ago? Do you believe that there can have been so tremendous an apparatus of influences at work so long, some designed, some undesigned, but all at work in one way, that is, to make the two great divisions of the national family hate each other, and yet have no effect? Recall what we have seen in that time, and weigh it well! Consider how many hundreds of speeches were made in Congress—all to show how extreme and intrepid an advocate the speaker could be of the extreme Northern sentiment, or the extreme Southern sentiment. Consider how many scores of thousands of every one of those speeches were printed and circulated among the honorable member’s constituents,—not much elsewhere—the great mass of whom agreed with him perfectly, and

was only made the more angry and more unreasonable by them. Consider what caballings and conspirings were going forward during that session in committee rooms and members' chambers, and think of their private correspondence with enterprising waiters on events. Turn to the American newspaper press, secular and religious—every editor—or how vast a proportion! transformed into a manufacturer of mere local opinion—local opinion—local opinion—working away at his battery—big or little—as if it were the most beautiful operation in the world to persuade one half of the people how unreasonable and how odious were the other half. Think of conventions sitting for secession and dismemberment, by the very tomb of Jackson—the “buried majesty” not rising to scatter and blast them. Call to mind how many elections have been holden—stirring the wave of the people to its profoundest depths—all turning on this topic. Remember how few of all who help to give direction to general sentiment, how few in either House of Congress, what a handful only of editors, and preachers and talkers, have ventured anywhere to breathe a word above a whisper to hush or divert the pelting of this pitiless storm,—and then consider how delicate and sensitive a thing is public opinion,—how easy it is to mould, and color, and kindle it, and yet that when moulded, and colored, and fired, not all the bayonets and artillery of Borodino can maintain the government which it decrees to perish; and say if you have not been encompassed, and are not now, by a peril, awful indeed! Say if you believe it possible that a whole people can go on—a reading and excitable people—hearing nothing, reading nothing, talking of nothing, thinking of nothing, sleeping and waking on nothing, for a year, but one incessant and vehement appeal to the strongest of their passions,—to the pride, anger and fear of the South, to the philanthropy, humanity and conscience of the North,—one-half of it aimed to persuade you that they were cruel, ambitious, indolent, and licentious, and therefore hateful; and the other half of it to persuade them that you were desperately and hypocritically fanatical and aggressive, and therefore hateful—say, if an excitable people can go through all this, and not be the worse for it! I tell you nay. Such a year has sowed the seed of a harvest, which, if not nipped in the bud, will grow to armed men, hating with the hate of the brothers of Thebes.

It seems to me as if our hearts were changing. Ties the strongest, influences the sweetest, seem falling asunder as smoking flax. I took up, the day before yesterday, a religious newspaper, published in this city, a leading Orthodox paper, I may describe it, to avoid misapprehension. The first thing which met my eye, was what purported to be an extract from a Southern

religious newspaper, denouncing the Boston editor, or one of his contributors, as an infidel—in just so many words—on the ground that one of his anti-slavery arguments implied a doctrine inconsistent with a certain text of the New Testament. Surely, I said to myself, the Christian thus denounced, will be deeply wounded by such misconstruction; and as he lives a thousand miles away from slavery, as it really does not seem to be his business, as it neither picks his pocket nor breaks his leg, and he may, therefore, afford to be cool, while his Southern brother lives in the very heart of it, and may, naturally enough, be a little more sensitive; he will try to soothe him, and win him, if he can, to reconsider and retract so grievous an objurgation. No such thing! To be called an infidel, says he, by this southern Presbyterian, I count a real honor! He thereupon proceeds to denounce the slaveholding South as a downright Sodom—leaves a pretty violent implication that his Presbyterian antagonist is not one of its few righteous, whoever else is—and without more ad sends him adrift. Yes, fellow-citizens, more than the Methodist Episcopal church is rent in twain. But if these things are done in the green tree, what shall be done in the dry? If the spirit of Christianity is not of power sufficient to enable its avowed professors to conduct this disputation of hatred with temper and decorum—to say nothing of charity—what may we expect from the hot blood of men who own not, nor comprehend the law of love?

I have spoken what I think of the danger that threatens the Union. I have done so more at length than I could have wished, because I know that upon the depth of our convictions and the sincerity of our apprehensions upon this subject, the views we shall take of our duties and responsibilities, must all depend.

If you concur with me that there is danger, you will concur with me in the *second place* that, thoughtful men have something to do to avert it; and what is that? It is, not in my judgment, fellow-citizens, by stereotyped declamation on the utilities of the Union to South or North that we can avert the danger. It is not by shutting our eyes and ears to it that we can avert it. It is not by the foolish prattle of “O! those people off there need the Union more than we, and will not dare to quit.” It is not by putting arms akimbo here or there and swearing that we will stand no more bullying; and if any body has a mind to dissolve the Union, let him go ahead. Not thus, not thus, felt and acted that generation of our fathers, who, out of distracted counsels, the keen jealousies of States, and a decaying Nationality, by patience and temper as admirable as their wisdom, constructed, the noble and proportioned fabric of our Federal system. “O! rise some other such!”

No, fellow-citizens—there is something more and other for us to do. And what is that? Among other things, chiefly this—to accept that whole body of measures of compromise, as they are called, by which the Government has sought to compose the country, in the spirit of 1787—and then, that henceforward every man, according to his measure, and in his place, in his party, in his social, or his literary, or his religious circle, in whatever may be his sphere of influence, set himself to suppress the further political agitation of this whole subject.

Of these measures of compromise, I may say in general, that they give the whole victory to neither of the great divisions of the country, and are therefore the fitter to form the basis of a permanent adjustment. I think that under their operation and by the concurrence of other agencies it will assuredly come to pass, that on all that vast accession of territory beyond and above Texas, no slave will ever breathe the air, and I rejoice at that. They abolish the slave trade in the district of Columbia, and I rejoice at that. They restore the fugitive to the master—and while I mourn that there is a slave who needs to run, or a master who desires to pursue, I should be unworthy of the privilege of addressing this assembly, if I did not declare that I have not a shadow of doubt that Congress has the Constitutional power to pass this law just as it is, and had no doubt before I listened to the clear and powerful argument of Mr. Curtis to-night; that it was out of all question their duty to pass some effectual law on the subject, and that it is incumbent on every man who recognizes a single obligation of citizenship, to assist, in his spheres, in its execution.

Accepting, then, these measures of Constitutional compromise, in the spirit of Union, let us set ourselves to suppress or mitigate the political agitation of slavery.

And in the first place, I submit that the two great political parties of the North are called upon by every consideration of patriotism and duty to strike this whole subject from their respective issues. I go for no amalgamation of parties, and for the forming of no new party. But I admit the deepest solicitude that those which now exist, preserving their actual organization and general principles and aims—if so it must be—should to this extent coalesce. Neither can act in this behalf effectually alone. Honorable concert is indispensable, and they owe it to the country. Have not the eminent men of both these great organizations united on this adjustment? Are they not both primarily national parties? Is it not one of their most important and beautiful uses that they extend the whole length and breadth of our land, and that they help or ought to help to hold the extreme

North to the extreme South by a tie stronger almost than that of mere patriotism, by that surest cement of friendship, common opinions on the great concerns of the République? You are a Democrat; and have you not for thirty-two years in fifty, united with the universal Democratic party in the choice of Southern Presidents? Has it not been your function for even a larger part of the last half century to rally with the South for the support of the General Administration? Has it not ever been your boast, your merit as a party, that you are in an intense, and even characteristic degree, national and unionist in your spirit and politics, although you had your origin in the assertion of State rights; that you have contributed in a thousand ways to the extension of our territory and the establishment of our martial fame; and that you follow the flag on whatever field or deck it waves?—and will you for the sake of a temporary victory in a State, or for any other cause, insert an article in your creed and give a direction to your tactics which shall detach you from such companionship and unfit you for such service in all time to come?

You are a Whig—I give you my hand on that—and is not your party National too? Do you not find your fastest allies at the South? Do you not need the vote of Louisiana, of North Carolina, of Tennessee, of Kentucky, to defend you from the redundant capital, matured skill, and pauper labor of Europe? Did you not just now, with a wise contempt of sectional issues and sectional noises, unite to call that brave, firm and good OLD MAN from his plantation, and seat him with all the honors in the place of Washington? Circumstances have forced both of these parties—the Northern and the Southern divisions of both—to suspend for a space, the legitimate objects of their institution. For a space, laying them aside, and resolving ourselves into our individual capacities, we have thought and felt on nothing but slavery. Those circumstances exist no longer—and shall we not instantly revive the old creeds—renew the old ties, and by manly and honorable concert, resolve to spare America that last calamity, the formation of parties according to geographical lines?

I maintain, in the *second place*, that the CONSCIENCE of this community has a duty to do, not yet adequately performed; and that is, on grounds of moral obligation, not merely to call up men to the obedience of law—but on the same grounds to discourage and modify the further agitation of this topic of slavery, *in the spirit in which, thus far, that agitation has been conducted*. I mean to say, that our moral duties, not at all less than our political interests, demand that we accept this compromise, and that we promote the peace it is designed to restore.

Fellow-citizens, was there ever a development of sheer fanaticism

more uninstructed, or more dangerous than that which teaches that conscience prescribes the continued political, or other exasperating agitation of this subject? That it will help, in the least degree to ameliorate the condition of one slave, or to hasten the day of his emancipation, I do not believe, and no man can be certain that he knows. But the philanthropist, so he qualifies himself, will say that slavery is a relation of wrong, and whatever becomes of the effort, conscience impels him to keep up the agitation till the wrong, some how, is ended. Is he, I answer, quite sure that a conscience enlightened to a comprehension and comparison of all its duties impels him to do any such thing? Is he quite sure that that which an English or French, or German philanthropist might in conscience counsel or do, touching this matter of Southern slavery, that that also he, the American philanthropist, may, in conscience, counsel or do? Does it go for nothing in his ethics, that he stands, that the whole morality of the North stands, in a totally different relation to the community of the South from that of the foreign propagandist, and that this relation may possibly somewhat—aye, to a vast extent, modify all our duties? Instead of hastily inferring that, because those States are *Sister States*, you are bound to meddle and agitate, and drive pitch-pine knots into their flesh and set them on fire, may not the fact that they are *Sister States*, be the very reason why, though others may do so, you may not? In whomsoever else these enterprises of an offensive and aggressive morality are graceful, or safe, or right, are you quite sure that in you they are either graceful, or safe, or right?

I have heard that a great statesman, living in the North, but living and thinking for the country, has been complained of for saying that we have no more to do with slavery in the South, than with slavery in Cuba. Are you quite sure that the sentiment went far enough? Have we quite as much to do,—I mean can we wisely or morally assume to do—quite as much with Southern as with Cuban slavery? To all the rest of the world we are united only by the tie of philanthropy, or universal benevolence, and our duties to that extent flow from that tie. All that such philanthropy prompts us to print, or say, or do, touching slavery in Cuba—we may print, say, or do,—for what I know or care, subject, I would recommend to the restraints of common sense, and taking reasonable thought for our personal security. But to America—to *our America*, we are united by another tie, and may not a principled patriotism, on the clearest grounds of moral obligation, limit the sphere and control the aspirations, and prescribe the flights of philanthropy itself?

In the first place, remember, I entreat you, that on considera-

tions of policy and wisdom—truest policy, profoundest wisdom, for the greater good and the higher glory of America—for the good of the master and slave, now and for all generations—you have entered with the Southern States into the most sacred, and awful, and tender of all the relations, the relation of country; and therefore, that you have, expressly and by implication, laid yourselves under certain restraints; you have pledged yourselves to a certain measure, and a certain spirit of forbearance; you have shut yourselves out from certain fields and highways of philanthropic enterprise—open to you before, open to the rest of the world now;—but from which, *in order to bestow larger and mightier blessings on man, in another way*, you have agreed to retire.

Yes, we have entered with them into the most sacred, salutary, and permanent of the relations of social man. We have united with them in that great master performance of human beings, that one work on which the moralists whom I love concur in supposing that the Supreme Governor looks down with peculiar complacency, the building of a Commonwealth. Finding themselves side by side with those States some sixty years ago in this new world, thirteen States of us then in all! thirty-one to-day—touching one another on a thousand points—discerning perfectly that unless the doom of man was to be reversed for them, there was no alternative but to become dearest friends or bitterest enemies—so much Thucydides and the historians of the beautiful and miserable Italian republics of the middle age had taught them—drawn together, also felicitously, by a common speech and blood, and the memory of their recent labor of glory—our fathers adopted the conclusion that the best interests of humanity, in all her forms, demanded that we should enter into the grand, sacred, and tender relations of country. All things demanded it—the love of man, the hopes of liberty—all things—“One hope, one lot, one life, one glory.” Hereby, only, can America bless herself, and bless the world.

Consider, in the *next place*, that to secure that largest good, to create and preserve a country, and thus to contribute to the happiness of man as far as that grand and vast instrumentality may be made to contribute to happiness, it became indispensable to take upon themselves, for themselves, and for all the generations who should follow, certain engagements with those to whom we became united. Some of these engagements were express. Such is that for the restoration of persons owing service according to the law of a State, and flying from it. That is express. It is written in this Constitution in terms. It was inserted in it, by what passed, sixty years ago, for the morality and religion of

Massachusetts and New England. Yes; it was written there by men who knew their Bible, Old Testament and New, as thoroughly, and revered it and its Divine Author and his Son, the Saviour and Redeemer, as profoundly as we. Others of those engagements, and those how vast and sacred, were implied. It is not enough to say that the Constitution did not give to the new nation a particle of power to intermeddle by law with slavery within its States, and therefore it has no such power. This is true, but not all the truth. No man pretends we have power to intermeddle by law. But how much more than this is implied in the sacred relation of country. It is a marriage of more than two, for more than a fleeting natural life. "It is to be looked on with other reverence." It is an engagement, as between the real parties to it, an engagement the most solemn, to love, honor, cherish and keep through all the ages of a nation. It is an engagement the most solemn, to cultivate those affections that shall lighten and perpetuate a tie which ought to last so long. It is an engagement then, which limits the sphere, and controls the enterprises of philanthropy itself. If you discern that by violating the express pledge of the Constitution, and refusing to permit the fugitive to be restored; by violating the implied pledges; by denying the Christianity of the holder of slaves; by proclaiming him impure, cruel, undeserving of affection, trust and regard; that by this passionate and vehement aggression upon the prejudices, institutions and investments of a whole region—that by all this you are dissolving the ties of country; endangering its disruption; frustrating the policy on which our fathers created it; and bringing into jeopardy the multiform and incalculable good which it was designed to secure, and would secure—then, whatever foreign philanthropy might do, in such a prospect—*your* philanthropy is arrested and rebuked by a "higher law." In this competition of affections, Country—"omnes omnium charitates complectens," the expression, the sum total of all things most dearly loved, surely holds the first place.

Will anybody say, that these engagements thus taken, for these ends, are but covenants with hell, which there is no morality and no dignity in keeping? From such desperate and shameless fanaticism—if such there is—I turn to the moral sentiments of this assembly. It is not here—it is not in this hall—the blood of Warren in the chair—the form of Washington before you—that I will defend the Constitution from the charge of being a compact of guilt. I will not here defend the Convention which framed it, and the Conventions and people which adopted it, from the charge of having bought this great blessing of country, by immoral promises, more honored in the breach than the

observance. Thank God, we yet hold that that transaction was honest, that work beautiful and pure; and those engagements, in all their length, and breadth, and height, and depth, sacred.

Yet, I will say that, if to the formation of such a Union, it was indispensable, as we know it was, to contract these engagements expressed and implied, no covenant made by man ever rested on the basis of a sounder morality. They tell us that although you have the strict right, according to the writers on public law, to whom Mr. Curtis has referred, to restore the fugitive slave to his master, yet that the virtue of compassion commands you not to do so. But in order to enable ourselves to do all that good, and avert all that evil—boundless and inappreciable both—which we do, and avert by the instrumentality of a Union under a common government, may we not, on the clearest moral principles, agree not to exercise compassion in that particular way? The mere virtue of compassion would command you to rescue any prisoner. But the citizen, to the end that he may be enabled, and others be enabled, to indulge a more various and useful compassion in other modes, agrees not to indulge it practically in that mode. Is such a stipulation immoral? No more so is this of the Constitution.

They tell us that slavery is so wicked a thing, that they must pursue it, by agitation, to its home in the states; and that if there is an implied engagement to abstain from doing so, it is an engagement to neglect an opportunity of doing good, and void in the forum of conscience. But was it ever heard of, that one may not morally bind himself to abstain from what he thinks a particular opportunity of doing good? A contract in general restraint of philanthropy, or any other useful calling, is void; but a contract to abstain from a specific sphere of exertion, is not void, and may be wise and right. To entitle himself to instruct heathen children on week days, might not a pious missionary engage not to attempt to preach to their parents on Sunday? To win the opportunity of achieving the mighty good summed up in the pregnant language of the preamble to the Constitution, such good as man has not on this earth been many times permitted to do or dream of, we might well surrender the privilege of reviling the masters of slaves with whom we must “either live or bare no life.”

Will the philanthropist tell you that there is nothing conspicuous enough, and glorious enough for him, in thus refraining from this agitation, just because our relations to the South, under the Constitution, seem to forbid it? Ay, indeed! Is it even so? Is his morality of so ambitious and mounting a type—that an effort—by the exercise of love, or kindness, or tolerance, to knit

still closer the hearts of a great people, and thus to insure ages of peace—of progress—of enjoyment—to so vast a mass of the family of man—seems too trivial a feat? O! how stupendous a mistake! What achievement of philanthropy bears any proportion to the pure and permanent glory of that achievement whereby clusters of contiguous states, perfectly organized governments in themselves every one, full of energy, conscious of strength, full of valor, fond of war—instead of growing first jealous, then hostile—like the tribes of Greece after the Persian had retired—like the cities of Italy at the dawn of the modern world—are melted into one, so that for centuries of internal peace, the grand agencies of amelioration and advancement shall operate unimpeded; the rain and dew of Heaven descending on ground better and still better prepared to admit them; the course of time—the Providence of God—leading on that noiseless progress whose wheels shall turn not back, whose consummation shall be in the brightness of the latter day. What achievement of man may be compared with this achievement? For the slave, alone what promises half so much? And this is not glorious enough for the ambition of philanthropy!

No, fellow-citizens—first of men are the builders of empires! Here it is, my friends, here—right here—in doing something in our day and generation towards “forming a more perfect Union”—in doing something by literature, by public speech, by sound industrial policy, by the careful culture of fraternal love and regard, by the intercourse of business and friendship, by all the means within our command—in doing something to leave the Union, when we die, stronger than we found it,—here—here is the field of our grandest duties and highest rewards. Let the grandeur of such duties—let the splendor of such rewards suffice us. Let them reconcile and constrain us to turn from that equivocal philanthropy, which violates contracts—which tramples on law—which confounds the whole subordination of virtues—which counts it a light thing that a nation is rent asunder, and the swords of brothers sheathed in the bosoms of brothers, if thus the chains of one slave may be violently and prematurely broken.

HON. DAVID HENSHAW'S LETTER.

Leicester. Nov. 23, 1850.

Dear Sir—I am in receipt of your note of the 18th, requesting, in behalf of the Committee for making Arrangements for the Union meeting to be held at Faneuil Hall the 26th, that I would allow myself to be nominated as one of the Vice-Presidents of that meeting; in reply, I have to observe that I am not sure I can be present at that time, but I am so fully impressed with the im-

portance of the movement, so heartily interested in the cause, that, if there, I should most cheerfully occupy any position assigned to me that might tend to promote the objects of the meeting.

It surely is time that all good and patriotic men, regardless of former divisions, step forward to sustain the Union, now assailed by a spirit of fanaticism, faction, and anarchy—a Union that cost to establish it, the blood and treasure, the anxiety, toil and suffering of the revolutionary war—a Union that has given to our own people peace and security, wealth and prosperity, and has afforded a safe abode and a happy home to immigrants from other lands.

The slave question is made the wedge to divide us, the great bone of contention. Groundless complaints are conjured up by artful, vigorous, and ardent minds to alarm the timid, the uninformed, and misinformed, and to impel them on by fears to destroy our national compact, and even our nationality, for the vain purpose of redressing ideal wrongs, and of removing imaginary evils, or evils, if real, that do not weigh on those who foment the excitement, and in the correction of which they have no right to meddle.

In examining this slave question, it will be seen that slavery was planted in the American colonies by the policy and power of the mother country, against the wishes and remonstrances of the colonists; and this condition of the two races, the white and the black, the condition of master and slave existed on the achievement of our independence, and continued on the establishment of our nationality. In forming the present Constitution, the pre-existing right of the master to his slave was recognized to secure that right more completely, the provision was inserted for the surrender of slaves fleeing to other States. It was never contemplated in the Constitution to invade the authority of the States to manage their local affairs, or the right of defining the powers, duties, obligations, and political condition of the residents within their borders.

The present generation in the slave States, both white and black, were born to this inheritance. The condition of master and slave descended to them from the colonial state, and be the system good or evil, they are not responsible for its existence, and if responsible for its continuance, it is a responsibility to themselves, not to us.

The Constitution guarantees to the master the right of reclaiming his fugitive slave, and imposes upon those to whom he escapes, the duty of surrendering him. Here are plain Constitutional rights and duties, which the Act of Congress of 1793, approved by Washington, was intended to enforce and make effective, and

which it did enforce until within a few years. When that law was rendered ineffective, it matters little from what cause, it became the duty of Congress to provide an efficient substitute. The present Fugitive Slave Bill, against which so much clamor has been raised, and such rebellious and bloody resistance has been threatened, was designed for this purpose—for the purpose of sustaining undisputed Constitutional rights, of enforcing well-defined Constitutional duties; and this result will no doubt be reached if the law be fairly and honestly executed, and reached, it is believed, without practically invading the Constitutional rights of any one. At any rate, until repealed, it ought to be obeyed and enforced. Fearful indeed, would be the consequences to our colored population, if blood should be shed, as some have rashly advised, in resistance to its execution.

If our Constitutional duties to give up the slave be thus imperative, is not a sound and wise policy equally urgent to keep the colored population from us? Do we want in any way to encourage the immigration of the colored people? What would be the effect on the white population of this State of the influx of half a million of negroes, possessing all the political rights of the white man? It could not be otherwise than disastrous, perhaps fatal, to one or the other race; for experience teaches that the two races cannot exist together on terms of equality—equality of numbers and of rights. Strife, if not bloodshed, would inevitably follow such a condition of our population, until the superior race obtained the mastery. In St. Domingo and Liberia, where the negro bears rule, he yields to the white man no political power.

The day-laborer, the farmer, the mechanic, all men who labor—the merchant, the capitalist, all who pay taxes are interested in excluding the colored population, that labor may not be degraded and capital burdened by contact with an ignorant, improvident, inferior race, with whom it is politically and physically impossible for the white man to amalgamate.

The clamor raised and the alarm intended to be created against what is termed the slave power, and against slave territory, have ever appeared to me to be quite useless for good. There is no such thing in our Government as the “slave power,” and no such power exists in any way, further than a similarity of interests, or a common danger, may produce a concert of action to protect similar rights. The slave interest, so far as political power is concerned, is as intangible as that of the landed interest, the money interest, or the commercial interest. The fact that in the compromises of the Constitution, the slave population, on the restricted ratio, is an ingredient in the basis of representation,

without possessing itself political power, is really in derogation of slave power; and is surely no more obnoxious to censure, than that women, children, aliens, and paupers are ingredients in the basis of representation, without the right of voting themselves.

Then, again, the effort to exclude slavery from the territories, by an act of Congress, seems to have had more importance attached to it than it merits. We admit the right in the States of the Union to manage their local affairs in their own way, to define the rights, duties, and obligations of their residents; and why not yield this right, this common sense principle, to the people who settle the territories, to those who are immediately, if not exclusively, interested in these regulations? The objects proposed to be attained by the Wilmot Proviso are to prevent the increase of slaves and to improve their condition by confining slavery to its present geographical limits. But the present slave territory is capable of sustaining ten times the present slave population, and hence the proposed measure would have little effect, for many generations to come, in checking the increase of slaves; but if it would have, the question would present itself as to the moral right of restraining, by legal regulations, the natural increase of this branch of the human family. And surely it can hardly be expected to improve the condition of the slaves by packing them close.

Much has been written of the alleged cruel treatment of the slaves, to awaken, for political effect, the tenderest sympathies of the human heart; and no doubt there are cases of cruel oppression, but which it is not our right nor our business, Don Quixote like, to attempt to relieve. But after all, here stands the great, prominent, credible fact, that while other slaveholding countries could only keep up their slave population from the wear and waste of hard labor and ill usage by fresh and continued importations from Africa, the colored population of the United States, during more than forty years of non-importation, have increased, since the Declaration of Independence, some four-fold, a conclusive proof that in the main they are well used.

Immediate emancipation, if it could be effected, with the consent of the master, the free negro population remaining with the white, it is believed would conduce to the benefit of neither race, the white or the black.

The capacity of the negro race for a high state of improvement and civilization remains to be tested. The negro has been in contact with the white race since the bible times without improving his condition, or advancing his own country in the scale of civilization. He seems to have made no progress in Africa in three thousand years; and it is a question whether he

has not attained in servitude a higher state of civilization than he could have reached in Africa from his innate resources alone. The ways of Divine Providence are often inscrutable to the human eye, and time may yet show that this system of slavery is but a state of probation and preparation of the black race for a higher political and social condition—it may yet prove that by extensively colonizing our colored population in Africa, that vast region of the globe may be redeemed from barbarism, may become civilized and Christianized; and that the amazing, but as yet dormant resources of that great segment of the earth, may be brought to light, and be developed for the good of the human races.

At any rate, a high and imperative duty, a wise and sound policy demand of us the fulfilment of all our Constitutional obligations. Every attempt to evade these obligations, to resist the laws for enforcing them, should be frowned down, repressed by the irresistible force of public opinion. The fair fabric of our Government, our glorious Union, glorious for the good it has done and the happiness it still promises, the hope of man the world over, must be sustained at all hazards; and for one, I am prepared to make this the paramount political object, superior to party ties, above local and personal considerations.

Very respectfully,

Your obedient Servant,

DAVID HENSHAW.

Hon. Francis C. Gray, and the Committee.

REV. DR. BLAGDEN'S LETTER.

Boston, Nov. 27th, 1850.

N. HALE and T. B. CURTIS, Esqrs.—

Gentlemen—I regret that my absence at Cambridge, yesterday, as one of a Committee for examining a Class in the University, deprived me of the pleasure of seeing you.

I did not return until half after four o'clock. Otherwise I should not have failed to be present at the place and time named on your card.

Every consideration of religion, and of patriotism, I am accustomed to regard, would have induced me, when requested, to invoke the blessing of God on the meeting to which you invited me.

Yours, with great respect,

G. W. BLAGDEN.





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